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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,449	01/17/2002	Jim Bottos	108430.023	3550

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COZEN AND O'CONNOR
1900 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER

STINSON, FRANKIE L.

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,449

Applicant(s)

BOTTOS ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 0204.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-10, 12, 13 and 20-23 is/are allowed.
6) ☒ Claim(s) 14 and 24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feingold in view of either Sharaf or Field et al.

Re claim 14, Feingold discloses an article carrier comprising a wire frame having three load supporting members (8, 9, 10) having article engaging means (unnumbered, see labeled fig. below) and a core, that differs from the claims only in the recitation of the core having an outer coating and carrying wafers.

engaging means

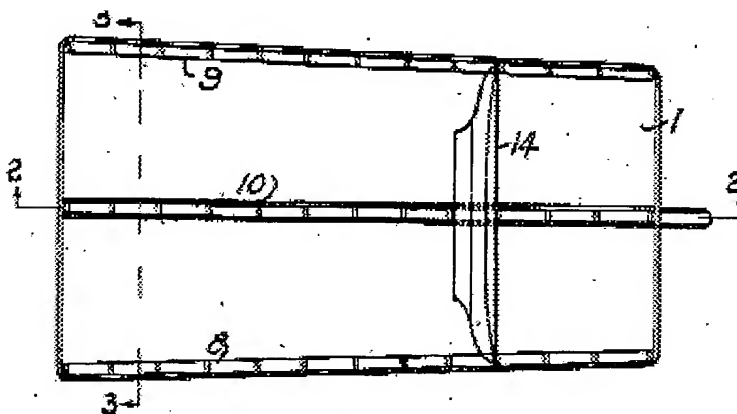


FIG. 1

supporting means

The patents to Sharaf and Field are each cited disclosing in a carrier for supporting an article; where the carrier is constructed of a wire frame with the frame having a core and

outer coating (see Sharaf, col. 1 lines 61-65 and Field col. 4, lines 39-41). It therefore would have been obvious to one having ordinary skill in the art to modify the carrier of Feingold, to have an outer coating as taught by either Sharaf or Field, for the purpose of preventing the rusting of the frame. As for the intended use/preamble of carrying a wafer, please note the same has not been afforded the effect of a limitation since the body of the claim is a self contained description of the structure and does not depend on the preamble for completeness (see MPEP 2111.02 **PREAMBLE STATEMENTS RECITING PURPOSE OR INTENDED USE**).

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins et al. in view of Mendiola.

Re claim 24, Robbins discloses a wafer carrier comprising a wire frame having three load-supporting members (24, 25, 26) for supporting at least one wafer in a substantially vertical orientation that differs from the claim only in the recitation of the wafer engaging elements. Although not shown in Robbins, the same are deemed to be inherent in that the wafers are regularly spaced on the supports and the spacing is common in the art to ensure the treatment fluid can pass through the wafers on both side thereof.

Nonetheless, Mendiola is cited disclosing a wafer carrier having three load-supporting members having wafer-engaging elements (118). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Robbins, to include wafer engaging elements as taught by Mendiola, for the purpose of regularly spacing the wafers so that treatment fluid may pass the wafers on both sides thereof.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 24 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Feingold.

Re claim 24, Feingold discloses an article carrier comprising a wire frame having three load-supporting members (8, 9, 10) having article engaging means (unnumbered) for supporting at least one wafer in a substantially vertical orientation. As for the carrying of a wafer, see Feingold and MPEP 2111.02 as applied in paragraph 2 above

6. Claims 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 1-10, 12, 13 and 20-23 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Timberlake, Schulke, Ohdate, Bell, III, Chapman. Painter, Pfeiffer et al., Stinson and Nakamura, note the carriers.

9. Applicant's arguments with respect to claims 1-10 and 12-24 have been considered but are moot in view of the new ground(s) of rejection.

In regard to the remarks on the exclusion of the limitations of the intervening claims, (i.e. 12 and 13), namely that they have no patentable weight as noted by the examiner, it should be noted that the same was given weight in combination with a coating over the

specific material in context with the processing of wafers. Without it Feingold and other cited references are deemed pertinent.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.


The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

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Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

Fls



FRANKIE L. STINSON
Primary Examiner
Art Unit 1746